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*Attorneys for Plaintiff and Counsel for the Class*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES  
LITIGATION

Case No. 3:18-cv-04865-EMC

**DECLARATION OF ADAM M. APTON  
IN SUPPORT OF PLAINTIFF'S  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL**

I, Adam M. Apton, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration. If called as a witness, I could and would competently testify thereto. This declaration is submitted in connection with Plaintiff's Administrative Motion to File Under Seal.

2. I am attorney at law licensed to practice in State of California and a partner with the firm Levi & Korsinsky, LLP. I represent Lead Plaintiff Glen Littleton and the Class in the above-captioned action.

3. Plaintiff is moving for partial summary judgment for the reasons outlined in its accompanying motion. In support of that motion, Plaintiff cites to numerous materials obtained in discovery that Defendants have designated as "Protective Material" under the Stipulated Protective Order dated May 20, 2020 (ECF No. 255). This includes deposition transcripts as well as documents used as exhibits during the course of the depositions.

4. While Plaintiff has objected to the designation of these materials as “Protected Material,” he still seeks leave to file them under seal and/or in redacted form as required by the Stipulated Protective Order. *See* Stipulated Protective Order at ¶12.3.

5. Attached hereto is a redacted version and an unredacted version of Plaintiff’s Motion for Partial Summary Judgment, the latter of which contains highlights indicating the portions of the document for which sealing is sought.

6. The other materials at issue in Plaintiff’s Administrative Motion to File Under Seal are being filed under seal in their entirety and, accordingly, are not highlighted to reflect proposed redactions. Instead, the highlights in the deposition excerpts identify the cited testimony. Unredacted true and accurate copies of these materials are attached hereto as follows:

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality	Basis for Sealing
Exhibit 44	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 45	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 46	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 47	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 58	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 79	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 81	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 82	Entirety	Defendants	Stipulated Protective Order, ¶12.3

Exhibit 83	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 90	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 91	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 101	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 113	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 114	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 115	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 116	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 117	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 118	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 119	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 120	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 121	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 146	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 147	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 150	Entirety	Defendants	Stipulated Protective Order, ¶12.3

Exhibit 151	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 155	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 157	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 158	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 165	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 175	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 179	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 194	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 201	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Exhibit 301	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Deepak Ahuja Deposition (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Deepak Ahuja SEC Transcript (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Robyn Denholm Deposition (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Egon-Pierre Durban Deposition (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Egon-Pierre Durban SEC Transcript (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
Nii Owuraka Koney Deposition (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3

1	Elon Musk Deposition (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
2	Elon Musk SEC Transcript (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
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4	Sam Teller Deposition (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
5				
6	Martin Viecha Deposition (excerpts)	Entirety	Defendants	Stipulated Protective Order, ¶12.3
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8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed this 11th day of January 2022.

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11 s/ Adam M. Apton  
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